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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert B. Havekost, et al.  
Confirmation. No.: 9703  
Serial No: 09/378,969  
Filed: August 23, 1999  
For: METHODS AND APPARATUS FOR INTEGRATED DISPLAY  
OF PROCESS EVENTS AND TREND DATA

Examiner: Chante E. Harrison  
Art Unit: 2672

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 21st day of June, 2004.

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Sir:

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Transmitted herewith are the following documents:

- ☒ Appellants' Reply Brief in Triplicate
- ☒ Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,  
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Docket No. F0467.70006US00  
Date: June 21, 2004  
x06/21/04x

# 18  
v. Bull

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P.O. Box 1450  
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**ATTENTION: Board of Patent Appeals and Interferences****APPELLANTS' REPLY BRIEF UNDER 37 C.F.R. § 1.193**

Sir:

This brief is in furtherance of the Notice of Appeal mailed in this application on February 24, 2003, Appellants' Brief mailed June 25, 2003 and the Examiner's Answer mailed April 21, 2004. For the convenience of the Board, this Reply Brief under 37 CFR §1.193 will follow the format set out in 37 CFR §1.192 for an Appeal Brief. This brief is being filed in triplicate. This brief contains the following items under the following headings and in the order set forth below:

- I. REAL PARTY IN INTEREST (37 CFR §1.192(c)(1))
- II. RELATED APPEALS AND INTERFERENCES (37 CFR §1.192(c)(2))

- III. STATUS OF CLAIMS (37 CFR §1.192 (c)(3))
  - A. TOTAL NUMBER OF CLAIMS IN APPLICATION
  - B. STATUS OF ALL THE CLAIMS
  - C. CLAIMS ON APPEAL
- IV. STATUS OF AMENDMENTS (37 CFR §1.192 (c)(4))
- V. SUMMARY OF INVENTION (37 CFR §1.192 (c)(5))
- VI. ISSUES (37 CFR §1.192 (c)(6))
- VII. GROUPING OF CLAIMS (37 CFR §1.192(c)(7))
- VIII. ARGUMENTS (37 CFR §1.192 (c)(8))
- IX. APPENDIX OF CLAIMS INVOLVED IN THE APPEAL (37 CFR §1.192 (c)(9))

#### **I. REAL PARTY IN INTEREST (37 CFR §1.192(c)(1))**

The Real Party in interest has not changed since the filing of the Appeal Brief and is the assignee, Fisher Rosemount Systems, Inc., a corporation having a place of business at 8301 Cameron Road, Austin, Texas 78754.

#### **II. RELATED APPEALS AND INTERFERENCES (37 CFR §1.192(c)(2))**

There continue to be no other appeals or interferences known to the Appellants, the Appellants' legal representative, or the assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

Also, in contrast to the Examiner's assertion in the Examiner's Answer, Appellants' Appeal Brief previously indicated that no other appeals or interferences are known to the Appellants, the Appellants' legal representative, or the assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal. See Examiner's Answer, Section 2, p.2; Appellants' Appeal Brief, Section II, p.2 .

**III. STATUS OF CLAIMS (37 CFR § 1.192 (c)(3))**

The status of the Claims has not changed since the filing of Appellants' Appeal Brief. See Appeal Brief, Section III, p. 2-3.

**IV. STATUS OF AMENDMENTS (37 CFR §1.192 (c)(4))**

No amendments have been filed subsequent to the Appeal Brief mailed on June 25, 2003.

**V. SUMMARY OF INVENTION (37 CFR §1.192 (c)(5))**

The summary of the invention provided by Appellants' in the Appeal Brief continues to be accurate. See Appeal Brief, Section V, p. 3-5.

**VI. ISSUES (37 CFR §1.192 (c)(6))**

The issues on Appeal have not changed since the filing of the Appeal Brief and are repeated here for convenience.

**A.** Whether each of claims 1-5, 8-12, and 14-24 is unpatentable under 35 U.S.C. §102(b) as anticipated by Hanson, U.S. Patent No. 5,257,206.

**B.** Whether each of claims 1, 3-5, 9, 11 and 12 is unpatentable under 35 U.S.C. §102(b) as anticipated by Murphy et al., U.S. Patent No. 5,768,148.

**VII. GROUPING OF CLAIMS (37 CFR §1.192(c)(7))**

The grouping of the claims has not changed since the filing of the Appeal Brief and is repeated here for convenience.

**A.** Group I. For purposes of this appeal only and for the rejection under 35 U.S.C. §102(b), claims 1, 3, 4, and 5 stand or fall together. Claim 1 is representative.

**B.** Group II. For purposes of this appeal only and for the rejection under 35 U.S.C. §102(b), claims 2 and 8 stand or fall together. Claim 2 is representative.

**C.** Group III. For purposes of this appeal only and for the rejection under 35 U.S.C. §102(b), claims 6 and 7 stand or fall together. Claim 6 is representative.

**D.** Group IV. For purposes of this appeal only and for the rejection under 35 U.S.C. §102(b), claims 9, 11, and 12 stand or fall together. Claim 9 is representative.

E. Group V. For purposes of this appeal only and for the rejection under 35 U.S.C. §102(b), claim 10 stands or falls alone.

F. Group VI. For purposes of this appeal only and for the rejection under 35 U.S.C. §102(b), claim 13 stands or falls alone.

G. Group VII. For purposes of this appeal only and for the rejection under 35 U.S.C. §102(b), claims 14 and 15 stand or fall together. Claim 14 is representative.

H. Group VIII. For purposes of this appeal only and for the rejection under 35 U.S.C. §102(b), claim 16 stands or falls alone.

I. Group IX. For purposes of this appeal only and for the rejection under 35 U.S.C. §102(b), claims 17, 18, and 19 stand or fall together. Claim 17 is representative.

J. Group X. For purposes of this appeal only and for the rejection under 35 U.S.C. §102(b), claim 20 stands or falls alone.

K. Group XI. For purposes of this appeal only and for the rejection under 35 U.S.C. §102(b), claim 21 stands or falls alone.

L. Group XII. For purposes of this appeal only and for the rejection under 35 U.S.C. §102(b), claim 22 stands or falls alone.

M. Group XIII. For purposes of this appeal only and for the rejection under 35 U.S.C. §102(b), claim 23 stands or falls alone.

N. Group XIV. For purposes of this appeal only and for the rejection under 35 U.S.C. §102(b), claim 24 stands or falls alone.

#### **VIII. ARGUMENT (37 CFR §1.192(c)(8)(iii))**

Appellants respectfully traverse the arguments presented by the Examiner in the Examiner's Answer. Appellants will generally address the Examiner's arguments in the order the Examiner presented them where Appellants believe further discussion would be of use to the Board. Where Appellants have not provided further argument, Appellants believe the arguments in the Appeal Brief to be sufficient. Regardless, Appellants continue to maintain all of the arguments presented in the Appeal Brief.

**Section A: Rejections over Hansen****1. Group I**

With respect to Claim 1 and Hanson, the Examiner argues that Hanson displays both an event table and a trend chart on a display screen at the same time. Examiner's Reply, p. 4, para. 1. The Examiner further describes the alarm boxes in Figures 6 and 7 of Hanson and statistical calculations of Figure 8 of Hanson as events. Examiner's Reply, p. 4-5, para. 1. Also, the Examiner refers to the gathering of events during periods of time in association with Figure 3 of Hanson. Examiner's Reply, p. 5-6, para. 1. Appellants respectfully traverse the Examiner's characterization of Hanson and Appellants' claim.

Applicants respectfully submit that Hanson does not teach or suggest "generating and displaying on the display screen a trend chart containing values of one or more selected process parameters during a selected time window based on a user-defined trend chart configuration" and "generating and displaying on the display screen an event table containing information describing process events that are related to the selected process parameters and that occurred during the selected time window, such that the event table and the trend chart may be viewed on the display screen at the same time" as recited, in part, by Claim 1.

Hansen does not display "a trend chart containing values of one or more selected process parameters" because all of Hansen's displays involve processed versions of data related to process parameters, as opposed to the *actual* process parameters. More specifically, Figures 6 and 7 of Hansen, which are relied upon by the Examiner, display data by subgroups according to a particular statistical distribution, where a subgroup appears to be an average or other grouping of data. Hansen, col. 8, lines 37-45; col. 7, line 67 – col. 8, line 6. Figure 8 displays a histogram of the *length of the trends* for historical data. Hansen, col. 10, lines 4-8. Thus, none of Figures 6, 7 or 8 display process parameters, but instead only display data derived from process data. Indeed, Figure 8 merely displays a histogram related to the length of a trend. See Hansen, col. 10, lines 4-8.

Therefore, for the reasons discussed above and previously discussed in Appellants' Appeal Brief, Claim 1 is allowable over Hansen.

2. **Group III**

“An examiner’s answer must not include a new ground of rejection.” 37 CFR 1.193(a)(2). See also MPEP 1208. Appellants respectfully submit that the Examiner’s arguments in the Examiner’s Reply with respect to Claims 6 and 7 represent new grounds of rejection and should be excluded as improper. As of the Final Official Action of October 22, 2002, the Examiner had provided no argument, reasoning or other argument as to why Claims 6 and 7 were rejected. Indeed, Claims 6 and 7 were *allowable* as of the Office Action of May 6, 2002. As Appellants have previously noted in the Appeal Brief, the Examiner claims that the omission of the rejection of Claims 6 and 7 was accidental. Appeal Brief, p. 6, Section VIII. The Examiner has had the opportunity to reopen prosecution and issue an Official Action with a reasoned rejection of Claims 6 and 7, but has chosen not to do so. Even if a reasoned rejection of Claims 6 and 7 was accidentally omitted at some previous time by the Examiner, the first opportunity Appellants have had to see the Examiner’s reasoning with respect to Claims 6 and 7 has been the Examiner’s Reply. The Examiner’s arguments with respect to Claims 6 and 7 should be excluded as prejudicial to Appellants and contrary to the plain requirements of 37 CFR 1.193(a)(2).

Further, even if the improper arguments in the Examiner’s Reply are allowed to stand, Claims 6 and 7 are still allowable over Hansen. More specifically, the Examiner relies again upon the alarm box of Hansen with respect to “selecting at least one of the event markers displayed on the trend chart” and “highlighting, on the event table, the event associated with the elected event marker” as recited, in part, by Claim 6. Examiner’s Reply, p. 7, para 3. The Examiner has previously relied upon the alarm with respect to the events of Appellants’ claims and now appears to want to reuse the alarm with respect to highlighting. See Examiner’s Reply, p. 4-6, para 1. Appellants respectfully submit that the mere existence of an alarm indication as in Hansen does not teach or suggest highlighting because the alarm can not be both “an event” AND “an event marker”. The Examiner can not properly rely upon the alarm of Hansen for one distinct element of Appellants’ claims and then rely upon the alarm for a different distinct element of Appellants’ claims. Therefore, Appellants respectfully request the Board to allow Claims 6 and 7.

3. **Group IV**

Claim 9 recites, in part, “means for generating and displaying on the display screen a trend chart containing values of one or more selected process parameters during a selected time window based on a user-defined trend chart configuration” and “means for generating and displaying on the display screen an event table containing information describing process events that are related to the selected process parameters and that occurred during the selected time window, such that the event table and the trend chart may be viewed on the display screen at the same time.” Claim 9 is patentable over Hansen at least for reasons similar to those previously provided in association with Group I and Claim 1. Further, the Examiner applies the histogram bars of Hansen’s Figure 8 to Appellants’ trend charts. Examiner’s Reply, p. 8. In contrast, Figure 8 displays a histogram of the *length of the trends* for historical data. Hansen, col. 10, lines 4-8.

4. **Group V**

Claim 10 recites, in part, “means for generating and displaying event markers on the display screen, the event markers being indicative of events from the event table and the respective times of the events.” Hansen displays an alarm when a specified limit is exceeded. Hansen, col. 9, lines 45-54. The Examiner has previously relied upon the alarm with respect the events of Appellants’ claims and now appears to want to reuse the alarm with respect to highlighting. See Examiner’s Reply, p. 4-6, para 1. Appellants respectfully submit that the mere existence of an alarm indication as in Hansen does not teach or suggest highlighting because the alarm can not be both “an event” AND “an event marker”. The Examiner can not properly rely upon the alarm box of Hansen for one distinct element of Appellants’ claims and then rely upon the alarm box for a different distinct element of Appellants’ claims. Further, Hansen provides no teaching or suggestion of a separate “event marker” and an event “from the event table” because Hansen provides only a simple alarm indication in response to a specified limit being exceeded and does not provide both an “event marker” and an event.

5. **Group VI**

“An examiner’s answer must not include a new ground of rejection.” 37 CFR 1.193(a)(2). See also MPEP 1208. Appellants respectfully submit that the Examiner’s



arguments in the Examiner's Reply with respect to Claim 13 represent a new grounds of rejection and should be excluded as improper. As of the Final Official Action of October 22, 2002, the Examiner had provided no argument, reasoning or other argument as to why Claim 13 was rejected. Indeed, Claim 13 was *allowable* as of the Office Action of May 6, 2002. As Appellants have previously noted in the Appeal Brief, the Examiner claims that the omission of the rejection of Claims 13 was accidental. Appeal Brief, p. 6, Section VIII. The Examiner has had the opportunity to reopen prosecution and issue an Official Action with a reasoned rejection of Claim 13, but has chosen not to do so. Even if a reasoned rejection of Claims 13 was accidentally omitted at some previous time by the Examiner, the first opportunity Appellants have had to see the Examiner's reasoning with respect to Claim 13 has been the Examiner's Reply. The Examiner's arguments with respect to Claims 13 should be excluded as prejudicial to Appellants and contrary to the plain requirements of 37 CFG 1.193(a)(2).

Further, even if the improper arguments in the Examiner's Reply are allowed to stand, Claim 13 is still allowable over Hansen. The Examiner argues that an alarm signal which may be highlighted is also an event marker. Examiner's Reply, p. 9, para 6. In contrast, Claim 13 recites, in part, "means for highlighting an event marker displayed on the trend chart in response to selection of a process event displayed on the event table and associated with the event marker." Appellants respectfully submit that an alarm signal, whether highlightable or not, can not be both "an event marker" and a "process event displayed on the event table" because the Examiner is improperly trying to use a single thing in two different ways at the same time.

6. **Group VII**

Claim 14 recites, in part, "a first display area configured to display at least one trend line representative of at least one parameter associated with the process", "a second display area configured to display information representative of at least one process event" and "event markers related to the at least one process event and displayed on the first display area." Appellants respectfully submit that the Examiner's reliance upon the alarm signal of Hansen as both a process event and an event marker is improper because the Examiner is trying to use a single thing in two different ways at the same time. Appellants have called out the process event and the event marker as two distinct elements, and the Examiner cannot properly interpret the alarm of Hansen as an event and simultaneously as a separate event indication.

7. **Group IX**

Claim 17 recites, in part, “means for simultaneously displaying a trend graph representing at least a portion of the historical trend data and a table representing at least a portion of the event records, wherein the table displays event records related to the portion of the historical trend data being displayed on the trend graph.” Hansen does not display “a trend graph representing at least a portion of the historical trend data” because all of Hansen’s displays involve processed versions of data related to process parameters, as opposed to the *actual* process parameters. More specifically, Figures 6 and 7 of Hansen display data by subgroups according to a particular statistical distribution, where a subgroup appears to be an average or other grouping of data. Hansen, col. 8, lines 37-45; col. 7, line 67 – col. 8, line 6. Figure 8 displays a histogram of the *length of the trends* for historical data. Hansen, col. 10, lines 4-8. Thus, none of Figures 6, 7 or 8 involve displaying process parameters, but instead only involve displaying data derived from process data. Indeed, Figure 8 merely displays a histogram related to the length of a trend. See Hansen, col. 10, lines 4-8.

Further, in contrast to the Examiner’s assertion, Appellants do not use the term “may” in Claim 17. Indeed, Claim 17 explicitly states that the display is simultaneous. See Examiner’s Reply, p. 12.

8. **Group XIII**

Claim 23 recites, in part, “a first display region on the display screen that displays process trends related to the process variable”. Hansen does not display “process trends related to the process variable” because all of Hansen’s displays involve processed versions of data related to process parameters, as opposed to the *actual* process parameters. More specifically, Figures 6 and 7 of Hansen display data by subgroups according to a particular statistical distribution, where a subgroup appears to be an average or other grouping of data. Hansen, col. 8, lines 37-45; col. 7, line 67 – col. 8, line 6. Figure 8 displays a histogram of the *length of the trends* for historical data. Hansen, col. 10, lines 4-8. Thus, none of Figures 6, 7 or 8 involve displaying process parameters, but instead only involve displaying data derived from process data. Indeed, Figure 8 merely displays a histogram related to the length of a trend as opposed to the trend itself. See Hansen, col. 10, lines 4-8.

**Section B: Rejections over Murphy****1. Group I**

Claim 1 recites, in part, “generating and displaying on the display screen a trend chart containing values of one or more selected process parameters during a selected time window based on a user-defined trend chart configuration” and “generating and displaying on the display screen an event table containing information describing process events that are related to the selected process parameters and that occurred during the selected time window, such that the event table and the trend chart may be viewed on the display screen at the same time.” The Examiner argues that the button area in the bottom left of Figure 24 of Murphy along with the existence of window environments where multiple windows may be simultaneously displayed teaches or suggests the display, at the same time, of the event table and trend chart of Claim 1. Examiner’s Reply, p. 15-16, para 1. Appellants respectfully traverse this argument.

The mere existence of a button that would allow a user to *select* the display of an event logger in no way teaches or suggests that the event logger and a trend display are displayed at the same time. Indeed, Figure 24 suggests that the selection of one of the buttons would replace the current display.

Further, the Examiner argues that Figure 69B discloses an event register along with metered values that are graphically displayed. Examiner’s Reply, p. 16. Appellants respectfully submit that the Examiner has misinterpreted Murphy. Murphy appears to describe the event register relied upon by the Examiner as an event *counter* register. Murphy, col. 52, lines 62-66. Merely counting events does not teach or suggest “an event table containing information describing process events that are related to the selected process parameters and that occurred during the selected time window”. Also, when describing Figure 69A, Murphy notes that the user can select the particular waveform that is simulated. Murphy, col. 52, lines 9-11 and 29-59. The waveform in Figure 69B appears to merely represent the waveform and other user-configured data selected in Figure 69A and therefore does not represent a “trend chart containing values of one or more selected process parameters”.

**2. Group IV**

Claim 9 recites, in part, “means for generating and displaying on the display screen a trend chart containing values of one or more selected process parameters during a selected time

window based on a user-defined trend chart configuration” and “means for generating and displaying on the display screen an event table containing information describing process events that are related to the selected process parameters and that occurred during the selected time window, such that the event table and the trend chart may be viewed on the display screen at the same time.”

The Examiner argues that Figure 69B discloses an event register along with metered values that are graphically displayed. Examiner’s Reply, p. 16-17. Appellants respectfully submit that the Examiner has misinterpreted Murphy. Murphy appears to describe the event register relied upon by the Examiner as an event *counter* register. Murphy, col. 52, lines 62-66. Merely counting events does not teach or suggest “an event table containing information describing process events that are related to the selected process parameters and that occurred during the selected time window”. Also, when describing Figure 69A, Murphy notes that the user can select the particular waveform that is simulated. Murphy, col. 52, lines 9-11 and 29-59. The waveform in Figure 69B appears to merely represent the waveform and other user-configured data selected in Figure 69A and therefore does not represent a “trend chart containing values of one or more selected process parameters”.

### C. Conclusion

For the foregoing reasons, and the reasons set forth in Appellants’ Appeal Brief, claims 1-24 are clearly and patentably distinguished over the cited prior art. Accordingly, the Board is respectfully requested to reverse the final rejection.

Respectfully submitted,

*Robert B. Havekost et al., Applicants*

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Docket No. F00467.70006.US

Date: June 21, 2004

**IX. APPENDIX: CLAIMS INVOLVED IN THE APPEAL (37 CFR §1.192(c)(9))**

1. (Amended) A method for displaying process information in a process control and/or monitoring system comprising a workstation having a display screen, a controller and an I/O subsystem, said workstation executing the steps of:

generating and displaying on the display screen a trend chart containing values of one or more selected process parameters during a selected time window based on a user-defined trend chart configuration; and

generating and displaying on the display screen an event table containing information describing process events that are related to the selected process parameters and that occurred during the selected time window, such that the event table and the trend chart may be viewed on the display screen at the same time.

2. The method of claim 1, further comprising a step of:

displaying event markers on the trend chart, the event markers being indicative of events from the event table and the respective times of the events.

3. The method of claim 1, wherein the trend chart is a line graph.

4. The method of claim 1, further comprising a step of:

saving trend chart configuration information in the workstation for later use.

5. The method of claim 4, further comprising a step of:

selecting, before the step of generating and displaying the trend chart, information associated with configuration of at least one trend chart saved in the workstation.

6. The method of claim 2, further comprising the steps of:  
selecting at least one of the event markers displayed on the trend chart; and  
highlighting, on the event table, the event associated with the selected event marker.
7. The method of claim 2, further comprising the steps of:  
selecting at least one of the events displayed in the event table; and  
highlighting the event marker associated with the event on the trend chart.
8. The method of claim 2, wherein the step of displaying the event markers includes a step of displaying the event markers as event names.
9. (Amended) A process control and/or monitoring system comprising:  
a process controller;  
an I/O subsystem; and  
a workstation having a display screen, said workstation comprising:  
means for generating and displaying on the display screen a trend chart containing values of one or more selected process parameters during a selected time window based on a user-defined trend chart configuration; and  
means for generating and displaying on the display screen an event table containing information describing process events that are related to the selected process

parameters and that occurred during the selected time window, such that the event table and the trend chart may be viewed on the display screen at the same time.

10. The system of claim 9, further comprising:

means for generating and displaying event markers on the display screen, the event markers being indicative of events from the event table and the respective times of the events.

11. The system of claim 9, further comprising:

means for saving trend chart configuration information for later use.

12. The system of claim 11, further comprising:

means for selecting the saved trend chart configuration information for use by the means for generating and displaying the trend chart.

13. The system of claim 9, further comprising:

means for highlighting an event marker displayed on the trend chart in response to selection of a process event displayed on the event table and associated with the event marker.

14. A graphical user interface for displaying trend and event data related to the operation of a process, the interface comprising:

a first display area configured to display at least one trend line representative of at least one parameter associated with the process;

a second display area configured to display information representative of at least one process event; and

event markers related to the at least one process event and displayed on the first display area.

15. The graphical user interface of claim 14, wherein the first display area includes more than one trend graph and a separate y-axis scale for each of the more than one trend graphs.

16. The graphical user interface of claim 14, wherein the information representative of the process events includes a time of occurrence of each of the at least one process event.

17. A system for monitoring a process comprising:

an event database containing event records related to the process;

a trend database containing historical trend data related to the process;

means for simultaneously displaying a trend graph representing at least a portion of the historical trend data and a table representing at least a portion of the event records, wherein the table displays event records related to the portion of the historical trend data being displayed on the trend graph.

18. The system of claim 17, further comprising means for selecting which portion of the trend data and the event records are displayed.



19. The system of claim 18, wherein the specified portion is a time interval having a start time and an end time.

20. The system of claim 17, further comprising:  
means for displaying, on the trend graph, event markers that are related to the event records.

21. The system of claim 17, further comprising:  
a run time database containing current trend data; and  
means for displaying the current trend data on the trend graph.

22. The system of claim 17, further comprising:  
means for configuring the trend graph; and  
a chart file containing trend graph configuration information and filter settings from previously developed trend graphs, the chart file being used by the means to configure the trend graph to configure the trend graph.

23. A system to coordinate and display information related to a process variable comprising:  
a workstation including a display screen;  
a first display region on the display screen that displays process trends related to the process variable; and  
a second display region on the display screen that displays a table of event records related to the process variable.

24. The system of claim 23, further comprising:
- event markers displayed in the first display region;
  - means for linking at least a portion of the table of event record to at least a portion of the event markers.